

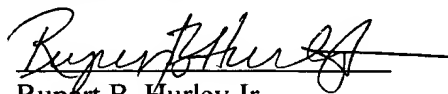
REMARKS

I. The Pending Claims and the Amendments to the Claims

With the entry of the above preliminary amendment, Claims 1-20 and 22-25, and 28-32 are pending. However, Claims 12 and 24 are withdrawn from consideration as directed to a non-elected species. Claims 21, 26, and 27 stand canceled. Claim 1 has been amended by the addition of the recitations in Claims 26 and 27, i.e., that the packaging article is made from an end-seal bag or a side-seal bag. An end-seal bag is illustrated in FIG. 1 and FIG. 2; a side-seal bag is illustrated in FIG. 3 and FIG. 4. See also Appellants' specification at page 23 line 20 through page 24 line 4. The amendment includes no new matter.

The cancellation of Claims 26 and 27, and the rolling of these features into independent Claim 1, merely simplifies the appeal, and places the application in better form for appeal. Moreover, rolling the features of claims 26 and 27 into Claim 1 raises no new issues for the appeal. That is, the patentability of claims 26 and 27 has been under consideration before appeal. The amendment above merely incorporates Claims 26 and 27 into Claim 1. In addition, Appellants note that the motivation to amend Claim 1 is in response to the content of the final office action of 7 February 2006. More particularly, the final rejection states, for the first time during the entire prosecution of this application, that the NOEL et al reference is now being relied upon as a primary reference against Appellants' claims. Accordingly, Appellants respectfully request entry of the amendments to the claims.

Respectfully Submitted,



Rupert B. Hurley Jr.

Reg. No. 29,313

Attorney for Applicants

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